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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,272	11/19/2001	Hirotoshi Kubo	981206A	8401
38834	7590	02/27/2004	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				HOGANS, DAVID L
		ART UNIT		PAPER NUMBER
		2813		

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/988,272	KUBO ET AL. <i>AJ</i>	
	Examiner	Art Unit	2813
	David L. Hogans		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 November 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 12-15, 22 and 23 is/are pending in the application.
 4a) Of the above claim(s) 16-21 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 12-15, 22 and 23 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 07 November 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

This Office Action is in response to the Amendment filed on November 7, 2003.

Status of Claims

Claims 12-15, 22 and 23 are pending. Claims 16-21 are withdrawn. Claims 1-11 are cancelled.

Priority

The Examiner acknowledges priority afforded to Application 09/161,828 due to Applicant's demarcation in the Utility Patent Application Transmittal Letter, item 16(a).

Drawings

1. The drawings were received on November 7, 2003. These drawings are accepted.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12-14, 22 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by 5,631,484 to Tsoi et al.

In reference to Claims 12, Tsoi et al. teaches:

- forming a drain layer (28) of a first conduction type (n) on a surface of a semiconductor substrate (27) of the first conduction type (n); (See Figures 2-14 and columns 2-8 lines 30-22)
- forming a first insulating film (33) on said drain layer (28); (See Figures 2-14 and columns 2-8 lines 30-22)
- forming a first conductive layer (34) on said first insulating film (33); (See Figures 2-14 and columns 2-8 lines 30-22)
- forming a second insulating film (37) on said first conductive layer (34); (See Figures 2-14 and columns 2-8 lines 30-22)
- patterning said second insulating film, said first conductive layer, and said first insulating film, to form a gate insulating film (33) from said first insulating film, and a gate electrode (34) from said first conductive layer; (See Figures 2-14 and columns 2-8 lines 30-22)
- implanting an impurity of a second conduction type (p) opposite to the first conduction type into a surface of said drain layer using said gate electrode as a mask, thereby forming a channel region of the second conduction type (47); (See Figures 2-14 and columns 2-8 lines 30-22)
- implanting an impurity of the first conduction type (n) into said channel region with using said gate electrode as a mask, thereby forming an impurity region of the first conduction type (52); (See Figures 2-14 and columns 2-8 lines 30-22)
- forming a third insulating film (56 and 54) so as to cover a surface of the impurity region, side walls of said gate insulating film, said gate electrode, and said

second insulating film, and an upper face of said second insulating film; (See Figures 2-14 and columns 2-8 lines 30-22)

- etching back said third insulating film to form a side wall insulator (58) of said third insulating film, by maintaining said third insulating film selectively on side walls of said gate insulating film, said gate electrode, and said second insulating film; (See Figures 2-14 and columns 2-8 lines 30-22)
- etching the impurity region (52) to form a recess (66) so as to penetrate the impurity region, thereby forming a source region (152) of the impurity region; (See Figures 2-14 and columns 2-8 lines 30-22) and
- forming a second conductive layer (71) on an entire surface, and patterning said second conductive layer, thereby forming a wiring layer (See Figures 2-14 and columns 2-8 lines 30-22)

In reference to Claim 13, Tsoi et al. teaches:

- introducing an impurity of the second conduction type (p) into the bottom of the recess to form a body contact region (121) of the second conduction after etching the impurity region prior to forming a second conductive layer (71) (See Figures 2-14 and columns 2-8 lines 30-22)

In reference to Claim 14, Tsoi et al. teaches:

- forming a mask pattern (61) having an opening located in a center of the impurity region and covering an entire surface except for the opening before etching the impurity region; (See Figures 2-14 and columns 2-8 lines 30-22)
- etching the impurity region by using the mask pattern to form a recess (66) deeper than the impurity region (52), thereby forming a source region (152) of the impurity region remained; (See Figures 2-14 and columns 2-8 lines 30-22) and
- introducing an impurity of the second conduction type (p) into the bottom of the recess to form a body contact region (121) of the second conduction type (See Figures 2-14 and columns 2-8 lines 30-22)

In reference to Claim 22, Tsoi et al. teaches:

- an upper surface and a side surface of the source region are directly contacted with the wiring layer (71) (See Figures 2-14 and columns 2-8 lines 30-22)

In reference to Claim 23, Tsoi et al. teaches:

- an opening of the mask pattern (61) is formed smaller than a region of the impurity region between the adjacent sidewall insulators (58) (See Figures 2-14 and columns 2-8 lines 30-22)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2813

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over 5,631,484 to Tsoi et al. in view of Applicant's Admitted Prior Art (AAPA).

Incorporating all arguments of Claim 12 and noting that Tsoi et al. fails to explicitly teach a fourth insulating layer formed on the substrate that is patterned so as to remain a peripheral region on the substrate.

However, Applicant's specification, page 2 lines 10-18, discloses a thick oxide that is patterned to be formed in bonding pad site regions (i.e. – on the periphery of the substrate).

It would have been obvious to one of ordinary skill in the art to modify Tsoi by incorporating a fourth insulating layer formed on the substrate that is patterned so as to remain a peripheral region on the substrate, as taught by Applicant's Admitted Prior Art, to create regions for bonding pads.

Response to Arguments

5. Applicant's arguments with respect to claims 12-15, 22 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Hogans whose telephone number is (703) 305-3361 or (571) 272-1691, after February 9, 2004. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead Jr. can be reached on (703) 308-4940. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

dh

Carl Whitehead Jr.
CARL WHITEHEAD, JR.
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